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99 AUG 2000

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In re Application of
Georg Breier, et al.
Application No.: 09/445,201
PCT No.: PCT/EP98/03318
Int. Filing Date: 03 June 1998
Priority Date: 03 June 1997
Attorney Docket No.: VOSS1110
For: REGULATORY SEQUENCES CAPABLE
OF CONFERRING EXPRESSION OF A
HETEROLOGOUS DNA SEQUENCE IN
ENDOTHELIAL CELLS IN VIVO AND
USES THEREOF

DECISION ON
PAPERS FILED
UNDER 37 CFR 1.42 AND 1.44

This is a decision on the papers filed 12 April 2000.

On 03 June 1998, applicants filed international application PCT/EP98/03318, which claimed priority of an earlier European Patent application filed 03 June 1997. A copy of the international application was received by the United States Patent and Trademark Office from the International Bureau on 10 December 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 24 November 1998. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 03 December 1999. Applicants paid the basic national fee of \$840.00 on 02 December 1999.

In order to satisfy the requirement of 35 U.S.C. 371(c) and 37 CFR 1.495 that an oath or declaration of the inventors be submitted, applicants submitted the following papers on 12 April 2000:

1. a declaration under 37 CFR 1.497 executed by two co-inventors, Georg Breier and

Volker Rönicke, and by Barbara Risau in her capacity of executrix of the estate of deceased joint inventor Werner Risau.

2. a translation of the certificate of inheritance reflecting that Barbara Risau is the sole heir of deceased inventor Werner Risau.

No papers have been filed establishing that Barbara Risau is the legal representative of deceased joint inventor Werner Risau.

CONCLUSION

The above application and papers have been reviewed and found to be in compliance with 37 CFR 1.42.

The papers filed under 37 CFR 1.42 are ACCEPTED. However, proof of authority of the legal representative in compliance with 37 CFR 1.44 **MUST** be submitted before the grant of a patent.

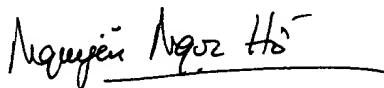
It is the responsibility of the examiner to ensure that sufficient proof of authority has been submitted in accordance with 37 CFR 1.44. If the proof of authority is ultimately found to be insufficient, the application must be returned to the PCT Legal Office.

The application is being returned to the United States Designated/Elected Office for further processing. The declaration is acceptable under 37 CFR 1.42.



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PCT Legal Examiner
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NNH/LES:hn



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